

PLANNING COMMISSION
Regular Meeting
August 28, 2001

The Spalding County Planning Commission held its regular meeting on August 28, 2001 at 7:00 P.M. in the County Commission Meeting Room #108, Spalding County Courthouse Annex. Members present were: Chairman Karen Mathiak, presiding, Ray Browning, Delores Phillips, John Youmans, and Frank Harris. Bill Bryant was not present.

Also, present were Assistant County Manager Michael Sabine, Zoning Attorney Newton Galloway and Cindy McDaniel to record the minutes. Planner Jennifer Peterson was not present.

Ms. Mathiak called the meeting to order, introduced the members of the Planning Commission, and gave the procedure for handling the applications.

MOTION

Mr. Browning made a motion to amend the agenda and move approval of the minutes to end of meeting. This motion passed on a second by Ms. Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Application #01-15Z: Lift from the table - MRC Development, Inc., Owner – Omni Consulting Services, Agent – 1519 Zebulon Road – requesting a rezoning from R-1, Single Family Residential Low Density and C-1, Highway Commercial, to R-1, Single Family Residential Low Density and C-1, Highway Commercial.

MOTION

Ray Browning made a motion to lift from the table Application #01-15Z. This motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Tom Hardy came forward, stated his name, and gave his address as 665 Highway 74 South, Suite 125, Peachtree City, Georgia 30269.

Mr. Hardy stated he works for Omni Consulting Services who are representing MRC Development, Inc. Mr. Hardy stated, as suggested at last meeting, Omni Consulting Services has met with staff to discuss different development options. The revised plan consists of 22 residential lots, 1 lot C-1, and 1 lot C-1A. The C-1 would have a retail type outlet. Mr. Youmans asked what the business is going in the C-1 zoning. Mr. Hardy stated out of respect to the client, the contact is still stipulating on this zoning. Mr. Hardy stated the only information he could give is that it will be some type of retail outlet.

Mr. Hardy stated the Georgia Department of Transportation would allow 2 curb cuts off Zebulon Highway. One curb cut will be at the entrance to the subdivision and the other for the commercial use. The entrance to the C-1 and C-1A will align with Hunter Street.

Mr. Sabine stated under the existing zoning of the tract, currently approximately 26.28 acres is in the C-1 district and 5.64± acres in the R-1 district. The zoning, as resubmitted, is for 29.26 acres in the R-1 zoning, 1.18± acres in C-1 zoning, and approximately 1.31± acres in the C-1A zoning. This is generally consistent with the Comprehensive Plan as stated.

MOTION

Ray Browning made a motion to approve application #01-15Z, as amended on August 21st. The motion passed on a second by Frank Harris with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Ms. Mathiak advised this application would go before the Board of Commissioners on September 27th.

Application #01-16Z: Tom Davidson, Owner – Timothy Phillips and Justina Berry, Agents – 27.334 acres on Georgia State Route 155, located in Land Lot(s) 253 & 254 of the 3rd Land District – requesting a rezoning from R-4, Single Family Residential, to AR-1, Agricultural and Residential.

Ms. Phillips recused herself from this application.

Timothy Phillips came forward, stated his name, and gave his address as 214 North 5th Street, Griffin.

Mr. Phillips stated the property in concern is approximately 27 acres in Manley Estates. Mr. Phillips stated he has horses and was searching for property with road frontage. Mr. Phillip met with the realtor, walked the property, put down a sum of money, and signed a contract. The realtor told him there was a portion of the property that was not buildable due to being in a flood plain. Mr. Phillips stated he told the realtor what his needs were, and the realtor told him this land was suitable for his needs. Mr. Phillips stated six months ago he fenced in a portion of the property and put his horses on the property. At that time, Mr. Phillips stated he started getting complaints from the neighbors in regards to the property. Mr. Phillips stated he was contacted by the Zoning Department. The Zoning Department advised him he needed to remove his horses from the property due to zoning. Mr. Phillips stated he is not there to change the community but to add to the community. The Georgia Department of Agriculture states you have to have adequate living, pasture, and water for livestock, which is 3 acres per horse. Mr. Phillips stated he put 5 horses on about 27 acres. This meets adequate requirements. Mr. Phillips feels he is being forced off property he is buying and is being harassed. The easement going around the lake is on his deed. Mr. Phillips stated he talked to the Realtor and was advised their lawyers were having a case. Mr. Phillips advised he had removed the horses and applied for a rezoning of the property. Mr. Phillips stated the part of the

property that will not perk is the portion he is using. The fence installed is nowhere near a residential use. Mr. Phillips stated he is not degrading the property, but upgrading.

Dick Collier – 101 South Hill Street

Mr. Collier stated he is a local attorney representing the members of the Manley Lake Homeowners Association. Each of the property owners bought their property from Ted and Tom Davidson. When the property was developed, a restricted convenience was put on the property. The convenience stated that a homeowners association would be formed and Davidson, Davidson and Slade would transfer the title to the lake, dam, and common area to that association. The same property that Mr. Phillips states he owns. No deed has been recorded, as of two weeks ago, stating Mr. Phillips is the owner. There is a lawsuit pending (filed in the last week to 10 days) addressing Mr. Phillips ability to buy this property. Each of Mr. Collier's clients acquired an easement on the property Mr. Phillips is trying to buy, and Mr. Davidson has no right to sell it to Mr. Phillips or anybody else. Mr. Collier stated he urges the Board to deny this application and give the court system time to do what is needed. Mr. Collier reiterated that Mr. Phillips does not own the property; Mr. Tom Davidson had no right to sell the property; and the Manley Lake Homeowner Association has a vested interest in the property. Again Mr. Collier asked the Board to deny the application.

Mr. Browning stated since the Board is not pressed to make a decision tonight, on the County's behalf, the Board should allow the courts to handle this matter and table the application.

MOTION

Ray Browning made a motion to table application #01-16Z. The motion passed on a second by John Youmans with Ray Browning, Karen Mathiak, John Youmans, and Frank Harris voting for the motion. Ms. Phillips abstained.

Ms. Mathiak advised that this application has been tabled until the suit has been adjudicated and the property owner has been identified. Mr. Sabine stated this application will remain on the table until it has been put back on the agenda by the Planning Commission. At the time it is put back on the agenda, property owners and adjacent property owners will be notified.

Application #01-17Z: Jeff Treadway, Owner – Lot 6 Lakeside Drive (0.43 acre located in Land Lot 94 of the 3rd Land District) – requesting a rezoning from R-1, Single Family Low Density Residential, to R-2, Single Family Residential.

Jeff Treadway came forward, stated his name, and gave his address as 345 West Road, Williamson, Georgia

Mr. Treadway stated he is the owner of Lot 6 on Lakeside Drive; and he is requesting a rezoning from R-1 to R-2 in attempt to lower the square footage from 1,500 to 1,250. The average house on Lakeside Drive is 1,052 square feet. There is not a house on the

street with 1,500 square feet. Only 5 of 24 houses have 1,250 square feet, and 12 of the 24 houses have less than 1,000 square feet. Mr. Treadway stated he could build a nicer house if the square footage could be lowered. Mr. Treadway showed the Board a house plan.

B. M. Pike - 130 Lakeside Drive

Mr. Pike stated he moved to Griffin in 1960 and rented a house on Lakeside Drive. At that time, the street was dirt. Mr. Pike stated in 1961 he bought a lot and built a house. A short time later, a couple of airport houses were moved in on the street. The property owners on the street had the property rezoned. The street was paved, water was installed and streetlights installed. There is currently a business on the street that is grandfathered in. The city has now annexed a portion of the street. Mr. Pike stated there are some houses on the street that have higher square footage than what was stated. Mr. Pike stated the property owners would like to see a break from the zoning department. Mr. Pike would like to see an upgrade of the community rather than a degrading. Mr. Pike stated he would like to see Mr. Treadway comply with current zoning on property.

Robert Mays – 123 Lakeside Drive

Mr. Mays stated he owns property next door to property Mr. Treadway has purchased. Mr. Mays stated his home was built by his grandfather in 1959, and he purchased the property from his stepmother after the death of his father. Mr. Mays stated he is concerned with continuing decline of the neighborhood, the road construction, the houses annexed into the city and the dumping across the street. Mr. Mays stated that R-1 requires 1,750 square foot. On another paper Mr. Mays received stated as of October 31, 1997, any lot recorded minimum square footage is 1,200. A petition was given to chairman signed by residents on the road asking the property remain R-1. Mr. Mays stated the property owners would like to see their neighborhood continue to improve not decline. Mr. Mays said that Mr. Treadway stated that was no homes in the area higher than 1,500 square feet. Mr. Mays stated his home has 1,488 square feet heated with a 2-car garage. Mr. Mays stated they are not trying to hinder him from building, but would like to see Mr. Treadway build to required standards.

Mr. Sabine stated that any lot that was platted prior to October 31, 1997 requires a 1,500 square foot heated area not 1,200. Mr. Sabine stated the property zoned R-1 back in 1962 stated single family dwelling is a permitted use with no minimum square footage requirement. As a result, the square footages Spalding County has now are a product of later development. The property has always been R-1, but the square footages have changed over the years.

Mr. Browning stated he visited the area. The house next to property requesting rezoning is an upgrade from other homes in the neighborhood. Mr. Browning stated what Mr. Treadway proposes to do is far above the standard for the neighborhood. Mr. Browning stated Mr. Treadway is not downgrading the neighborhood, but upgrading the neighborhood compared to what is already located there.

Mr. Treadway stated he was aware of the minimum 1,500 square footage requirement prior to purchasing the property, but decided to try and rezone, because Mr. Treadway felt he could build a better house at 1,250 square feet.

Mr. Treadway stated he has built the same house before on Oak Street off Airport Road. Mr. Sabine suggested Mr. Treadway bring pictures to the Board of Commissioners Public Hearing and try to get with the neighbors, prior to the next meeting, and show them the pictures also.

MOTION

Ray Browning made a motion to approve application #01-17Z conditioned to stick built home only. The motion passed on a second by Frank Harris with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Ms. Mathiak advised this application would go before the Board of Commissioners on September 27th.

Applications #01-18Z through #01-18RZ are being initiated by the Spalding County Planning Commission.

Application #01-18BZ: Urban Development, Inc., Owner – Spalding County Planning Commission, Agent – 20.75± acres on E. McIntosh Road & Pineview Road located in Land Lot(s) 132 & 157 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Mr. Browning stated that the property owner has requested that this application be tabled due to family issues.

MOTION

Ray Browning made a motion to table application #01-18BZ. The motion passed on a second by Delores Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Ms. Mathiak advised the audience that the Board tabled application #01-18BZ (20-acre tract on East McIntosh Road).

Application #01-18Z: Ralph Lamar & Willie Mae Johnson, Owners – Spalding County Planning Commission, Agent – 1507 N. Pineview Road (Lot 9 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18AZ: Willie Mae & Willie J. Gault, Owners – Spalding County Planning Commission, Agent – 1511 Pineview Road (Lot 10 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18CZ: Melvin & Mary Thrash, Owners – Spalding County Planning Commission, Agent – 1508 Pineview Road (Lot 16 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18DZ: Wallace & Betty F. Watkins, Owners – Spalding County Planning Commission, Agent – 1504 N. Pineview Road (Lot 15 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18EZ: Kimberly Gilbert Parker, Owners – Spalding County Planning Commission, Agent – 401 E. McIntosh Road (Lot 1 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18FZ: Kimberly Gilbert Parker, Owners – Spalding County Planning Commission, Agent – Lot 2 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18GZ: Horace & Lillie Cleveland, Owners – Spalding County Planning Commission, Agent – 405 E. McIntosh Road (Lot 3 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18HZ: Frances I. S. Foster, Owners – Spalding County Planning Commission, Agent – 407 E. McIntosh Road (Lot 4 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18IZ: Willie C. & Clara M. Williams, Owners – Spalding County Planning Commission, Agent – 411 E. McIntosh Road (Lot 5 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18JZ: David M. & Shirley Pack, Owners – Spalding County Planning Commission, Agent – 415 E. McIntosh Road (Lot 6 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18KZ: Gayle W. Smith & Deborah W. Bailey, Owners – Spalding County Planning Commission, Agent – Lot 7 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18LZ: Walter D. & Billie W. Willis, Owners – Spalding County Planning Commission, Agent – 421 E. McIntosh Road (Lot 8 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18MZ: Cemetery – Spalding County Planning Commission, Agent – Parcel 12 E. McIntosh Road located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18NZ: Lucius Jr. & Janice Horton, Owners – Spalding County Planning Commission, Agent – 443 E. McIntosh Road (Lot1 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18OZ: Lucius Jr. & Janice Horton, Owners – Spalding County Planning Commission, Agent – Lot 2 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18PZ: Eddie Crawley, Jr., Owner – Spalding County Planning Commission, Agent – 445 E. McIntosh Road (Lot 3 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18QZ: Eddie B. Favors, Jr., Owner – Spalding County Planning Commission, Agent – 447 E. McIntosh Road (Lot 4 located in Land Lot 132 of the 3rd Land District) – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Application #01-18RZ: DanVest Equities, LLC, Owners – Spalding County Planning Commission, Agent – Lot 5 E. McIntosh Road located in Land Lot 132 of the 3rd Land District – requesting a rezoning from C-2, Manufacturing, to R-2, Single Family Residential.

Mr. Sabine stated that properties along East McIntosh Road are currently zoned C-2, Manufacturing. Under this, the original zoning ordinance for the County, which was in effect from 1962 until 1987, single-family dwellings could be built in a C-2, Manufacturing zone. However, under the current zoning for the County, the current development ordinance those are non-conforming uses. There are two problems by having a house in a Manufacturing zone. One, when you go to renovate, put an addition, or make any changes to that house, you are a non-conforming use and that effects your ability to use that property for residential purposes. At the same time, new residential uses are not allowed. The C-2 uses allowed now are public garages; repair garages; newspaper or printing plant; off-street parking lot or parking garage; bottling plant; cold storage, ice plant, or freezer locker; pharmaceuticals manufacturing; dry cleaning or laundering establishment; electronic manufacturing and assembly; printing, publishing or

reproducing establishment; fabricating shop such as woodworking, upholstery, or sheet metal shop; truck terminal; gasoline truck terminal; acid manufacture and storage; and bulk petroleum plant. The above uses are all allowed within the C-2 zoning. The Planning Commission reviewed the situation in the area and would like to place your homes in a residential classification, so you would have all of the residential development rights and also preserve the lots next to you from being consolidated or placed into an incompatible use as listed in the manufacturing zone. The Planning Commission would like for the lots already developed as single-family residential be reflected in a residential classification. This would take the houses from a C-2, Manufacturing, to R-2, Single Family Residential. The size of homes allowed in the R-2 is 1,250 square feet heated area. No manufactured homes would be allowed in this zoning district. The rezoning is regarding the homes already located on the smaller lots. The vacant property, located behind the lots on East McIntosh Road, is not being addressed at this time.

Mr. Sabine explained to the audience the difference between conforming and non-conforming uses.

Mr. Sabine stated only a couple of houses located on Pineview Road are within the C-2 zoning.

Eldora Smith – 1526 Pineview Road

Ms. Smith had a concern of the zoning of the houses past the railroad on Pineview Road and was advised that her property is currently zoned R-2. Ms. Smith asked what could be done to get a 3-way stop sign put Pineview Road & East Northwood Drive. Mr. Sabine advised this did not come under the Planning Commission, but Spalding County's Sheriff's Department and Public Works Department determine where stop signs are located in the County. Mr. Sabine advised he would do a memo to the County Manager referencing this request. Ms. Smith stated, also, the sign that was located at the corner of Pineview Road and East McIntosh has been removed since the homes have been built there. The property owners in the area would like another sign put up. Ms. Smith was advised to talk to Ms. Gloria Treadway about this sign. Ms. Treadway stated this sign was located on private property and not made a part of the subdivision. It was for advertisement only. Mr. Sabine stated that Public Works *might* be able to put up another sign in the area on the right-of-way. Mr. Sabine stated he would have to inquire about the sign.

A property owner in the audience addressed a concern of the wrecks that have happened at the corner of Pineview Road and East McIntosh Road. Mr. Sabine stated he would look into the concern also.

Another property owner in the audience addressed a concern of the railroad tracks. Ms. Treadway stated approximately 15 to 18 years ago she was in touch with Southern Railroad and requested they deed the property back to property owners whose property abutted the railroad. Ms. Treadway stated she complied with the request of Southern Railroad and did not hear from them on the matter. Ms. Treadway contacted them later

and was advised they had sold the railroad. Ms. Treadway stated she was advised that if the current property owner did not maintain the railroad, it would convert back to the ownership of Southern Railroad. Ms. Treadway stated she had not confirmed this information. Mr. Galloway stated Georgia Law stated that if the railroad is abandoned, the right-of-way reverts back to the adjoining property owners. The question is if the railroad has been abandoned or not.

MOTION

John Youmans made a motion to approve application #01-18Z. The motion passed on a second by Delores Phillips with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Ray Browning made a motion to approve application #01-18AZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18CZ. The motion passed on a second by Ray Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18DZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18EZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18FZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18GZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18HZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18IZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18JZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18KZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18LZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18MZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18NZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18OZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18PZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18QZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

MOTION

Delores Phillips made a motion to approve application #01-18RZ. The motion passed on a second by John Youmans with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

Ms. Mathiak advised these applications would go before the Board of Commissioners on September 27th.

Ms. Mathiak stated there is a concern about the 20 acres and it being zoned manufacturing. Ms. Mathiak asked Ms. Treadway what plans were. Ms. Treadway stated she was not sure at this time. Ms. Treadway stated she wanted to talk with her family on the matter, and talk with several developer and see if it could be developed without loosing value.

MINUTES

The minutes of the August 14, 2001 meeting were approved on a motion by John Youmans and a second by Ray Browning with Ray Browning, Delores Phillips, Karen Mathiak, John Youmans, and Frank Harris voting for the motion.

ADJOURNMENT

Ray Browning made a motion, seconded by John Youmans to adjourn the meeting. The motion passed with Karen Mathiak, Ray Browning, Delores Phillips, John Youmans, and Frank Harris voting for the motion.

Karen Mathiak – Chairman

Cindy L. McDaniel - Recorder